

UNITED STATES DISTRICT COURT
i.DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.)
)
DAVID DESOUSA,)
)
Defendant.)

FINAL STATUS REPORT

Pursuant to Local Rule 116.5(c), the United States, by its undersigned counsel, respectfully submits the following status report regarding the above-captioned matter, which is set for a final status conference on March 18, 2021. The defendant in this case is charged with six counts of possession with intent to distribute and distribution of methamphetamine, in violation of 21 U.S.C §§ 841(a)(1), 841(b)(1)(A)(viii), 841(b)(1)(B)(viii), and 841(b)(1)(C). Government counsel circulated a draft of this status report to defense counsel, and counsel advised that he is in agreement with the report.

1. Request for a Rule 11 hearing

The parties have not engaged in plea discussions and do not request a Rule 11 hearing at this time.

2. Pretrial Conference

No pretrial motions are pending and the defendant requests a further 45 days to file pretrial motions. **The parties request a further status conference in 45 days.**

A. Discovery and discovery requests

The United States produced automatic discovery materials on December 14, 2020. The United States provided redacted videos on February 12, 2021. The United States understands that it has an ongoing and continuing duty to produce discovery.

B. Timing of additional discovery requests

Defense counsel requires additional time to review the discovery materials that were provided before making any discovery requests. The United States has no objection to this Court granting counsel additional time and recommends that the Court continue the status conference to a date in 45 days to determine whether defense counsel will make any discovery requests

C. Pretrial motions

The defendant has not filed any pretrial motions under Fed. R. Crim. P. 12(b). The defendant requests a further 45 days to file any pretrial motions.

D. Periods of excludable delay

The government moves for excludable delay between March 18, 2021, and the next scheduled status conference. If this motion is allowed, there will be no non-excludable days under the Speedy Trial Act.

E. Estimated length of trial

The estimated length of the trial is one week.

3. Other matters

The parties believe it would be appropriate to cancel the final status conference scheduled for March 18, 2021 and schedule a further final status conference in 45 days in order for the defendant to complete his review of the discovery.

The United States moves the Court to exclude the time between March 18, 2021, to the next scheduled status conference, under the Speedy Trial Act, pursuant to 18 U.S.C.

§§ 3161(h)(7)(A), 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv) due to the discovery that has already been produced and the fact that counsel for the defendant needs additional time to review discovery materials, to evaluate the filing of pretrial motions, and to explore the potential disposition of the charges short of trial; and the potential for pretrial litigation should the case proceed to trial. Given the existence of these factors, the ends of justice served by granting defense counsel sufficient time to review discovery materials is necessary for effective preparation and outweighs the best interests of the public and the defendant in a speedy trial. Counsel for the defendant assents to this request.

Respectfully submitted,

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Acting United States Attorney

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Certificate of Service

I hereby certify that I served the foregoing document by ECF on March 16, 2021 to counsel of record.

/s/ Philip C. Cheng
Philip C. Cheng
Assistant U.S. Attorney